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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,786	11/21/2003	Edward Paul Carlin	9431	2939
27752	7590	07/13/2005	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			BOGART, MICHAEL G	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/719,786	Applicant(s) CARLIN, EDWARD PAUL	
	Examiner Michael G. Bogart	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/24/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings in this application are acceptable for examination purposes only. Upon allowance, new formal drawings will be required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 18 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Zunker *et al.* (WO 00/37013 A1).

Regarding claim 1, Zunker *et al.* teach a tampon (10) for feminine hygiene comprising an insertion end (34), a withdrawal end (24, 26), a length, a longitudinal axis, a radial axis, and an outer surface (16);

said tampon (10) being comprised of compressed fibrous material;

wherein a measured portion of said outer surface (16) of said insertion end (34) comprises a first surface area (front ½) and a measured portion of said outer surface of said

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withdrawal end (24, 26) comprises a second surface area (back $\frac{1}{2}$), said first surface area being different than said second surface area (abstract)(figures 5-8, below).

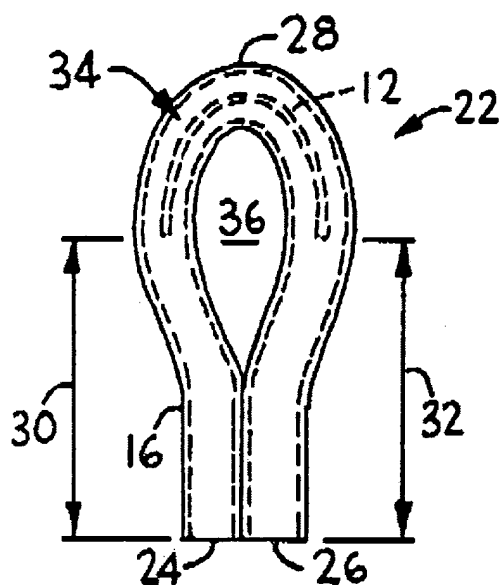


FIG. 5

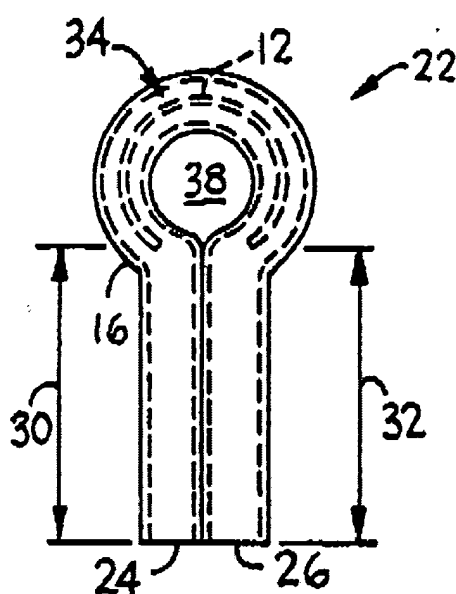
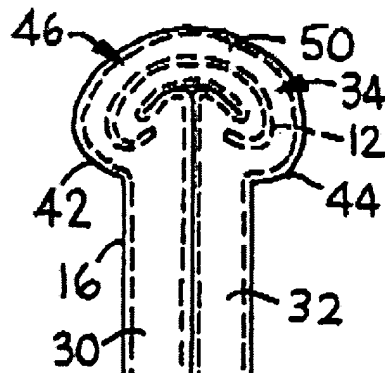
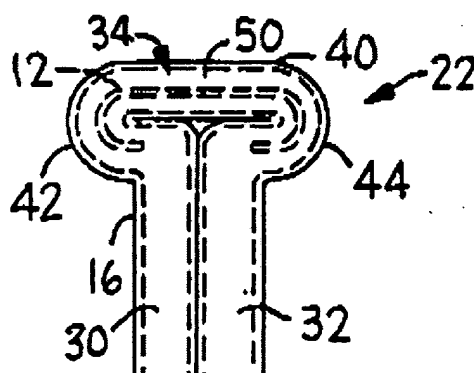


FIG. 6



Regarding claims 2, Zunker *et al.* teach that said first surface area is greater than said second surface area.

Regarding claim 18, Zunker *et al.* teach an essentially uniform density over a cross section of the tampon (10).

Regarding claim 19, Zunker *et al.* teach a core (14) that is highly compressed (abstract).

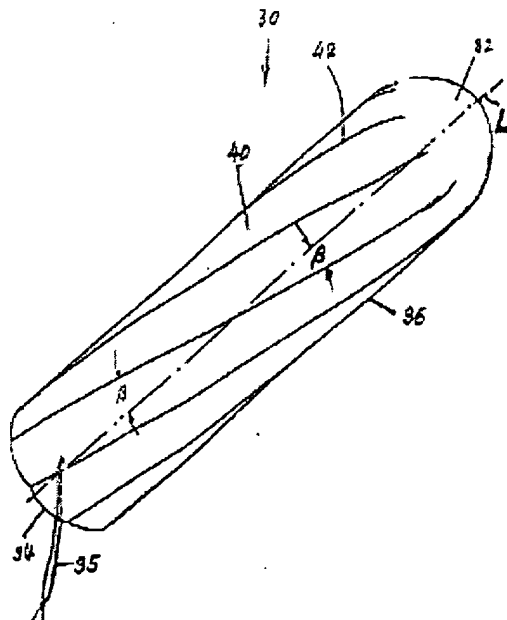
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Claims 1, 3-12 and 14-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Schoelling (WO 02/078586 A3).

Regarding claim 1, Schoelling teaches a tampon (30) for feminine hygiene comprising an insertion end (32), a withdrawal end (34), a length, a longitudinal axis (L), a radial axis, and an outer surface (46);

said tampon (30) being comprised of compressed fibrous material;

wherein a measured portion of said outer surface of said insertion end (32) comprises a first surface area (front $\frac{1}{2}$) and a measured portion of said outer surface of said withdrawal end comprises a second surface area (back $\frac{1}{2}$), said first surface area being different than said second surface area (figure 1, below).



It is noted that the tapered nose cone of the front $\frac{1}{2}$ of the device give it a grater surface area than the linear back $\frac{1}{2}$.

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Regarding claim 3, Schoelling teaches at least a portion of the first surface area (32) further comprises surface aberrations (ribs)(40).

Regarding claim 4, Schoelling teaches that said surface aberrations (40) are selected from the group consisting of protuberances (ribs), depressions (valleys in between) and mixtures thereof.

Regarding claim 5, Schoelling teaches that said surface aberrations are arranged in a pattern (figure 1).

Regarding claim 6, Schoelling teaches that said pattern is selected from the group consisting of diagonal lines, straight lines, checkerboard and mixtures thereof (figure 1).

Regarding claim 7, Schoelling teaches that said surface aberrations (40) are evenly spaced (figure 1).

Regarding claim 8, Schoelling teaches that at least a portion of said first surface area (32) comprises grooves (between ribs).

Regarding claim 9, Schoelling teaches that said grooves are arranged in a pattern (figure 1).

Regarding claim 10, Schoelling teaches that said pattern is selected from the group consisting of diagonal lines, straight lines, checkerboard and mixtures thereof (figure 1).

Regarding claim 11, Schoelling teaches that said grooves are evenly spaced (figure 1).

Regarding claim 12, Schoelling teaches that said grooves are selected from the group consisting of longitudinal grooves, horizontal grooves and mixtures thereof (figure 1).

Regarding claim 14, Schoelling teaches that said grooves are longitudinal grooves (figure 1).

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Regarding claim 15, Schoelling teaches that said grooves extend the entire length of said tampon (figure 1).

Regarding claim 16, Schoelling teaches that said grooves comprise horizontal grooves. The basis for this interpretation is that the ribs have a diagonally extending pattern that extends in both the longitudinal direction and the horizontal direction.

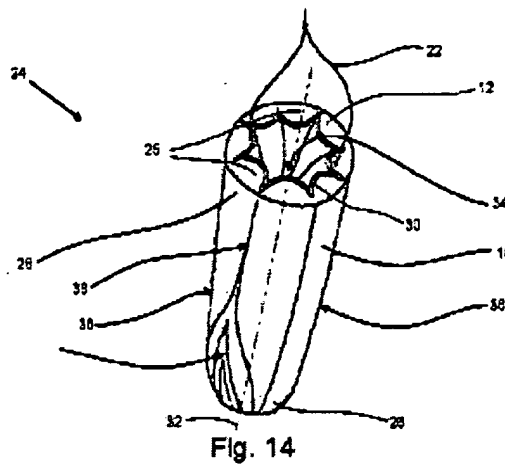
Regarding claim 17, Schoelling teaches grooves that extend the entire radial axis of the tampon (figure 1).

Claims 1 and 20 rejected under 35 U.S.C. § 102(e) as being anticipated by Costa (US 2005/0096619 A1).

Regarding claim 1, Costa teaches a tampon (12) for feminine hygiene comprising an insertion end (26), a withdrawal end (28), a length, a longitudinal axis (32), a radial axis, and an outer surface (16);

said tampon (12) being comprised of compressed fibrous material;

wherein a measured portion of said outer surface of said insertion end (26) comprises a first surface area (front ½) and a measured portion of said outer surface of said withdrawal end comprises a second surface area (back ½), said first surface area being different than said second surface area (figure 14, below).



Regarding claim 20 Costa teaches a finger indent (34).

Allowable Subject Matter

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (571) 272-4933.

In the event the examiner is not available, the Examiner's supervisor, Larry Schwartz may be reached at phone number (571) 272-4390. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for formal communications. For informal communications, the direct fax to the Examiner is (571) 273-4933.

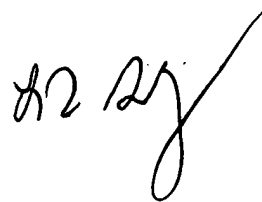
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Bogart
24 June 2005



Larry I. Schwartz
Supervisory Patent Examiner
Group 3700